

BOARD OF COMMISSIONERS

COUNTY OF SCOTT

NOVEMBER 1, 2016

(1) The Board of Commissioners, in and for the County of Scott, Minnesota, met in the Courthouse Board Room in the City of Shakopee, Minnesota, and convened at 9:00 a.m., with the following members present: Commissioner Marschall, presiding, Commissioner Wagner, Commissioner Wolf, Commissioner Beard and Commissioner Ulrich.

(2) County Staff Present:

- A. Gary Shelton, County Administrator
- B. Neil Nelson, Chief Deputy County Attorney
- C. Ali Brown, Day Training & Habilitation Program Coordinator
- D. Paula Neisen, Registered Nurse
- E. Pam Selvig, Health and Human Services Director
- F. Troy Pint, Business Information/System Specialist
- G. Tim Cleveland, Community Corrections Director
- H. Linda Eimerman, Case Aide
- I. Barb Dahl, Social Services Director
- J. Lisa Burkhartzmeyer, Child Support Supervisor
- K. Curt Kobilarcsik, Assistant County Highway Engineer
- L. Tony Winiecki, County Engineer
- M. Lezlie Vermillion, Deputy County Administrator/Community Services Director
- N. Debra Brazil, Deputy Clerk to the Board

(3) Guests Present:

- A. Beverly Koehnen, Shakopee
- B. Barb Weckman Brekke, Jackson Township

(4) Media Present:

- A. Amanda McKnight, Shakopee Valley News
- B. Natalie Daher, Star Tribune

(5) Minutes:

On a motion by Commissioner Ulrich, seconded by Commissioner Wolf, the Minutes of October 18, 2016 were approved.

(6) Recognition of Interested Citizens:

Beverly Koehnen, Shakopee, gave the Commissioners an update on the findings on the confusion with her address. She asked the Commissioners to help her get the issue resolved.

(7) Consent Agenda:

Commissioner Wolf requested the agenda item to certify final approved appraisal of value for certain land acquisitions and authorizing eminent domain for the trail construction along County Highways 78 and 79 be pulled from the consent agenda for discussion.

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A. On the recommendation of the Blakeley Town Board and the Planning Advisory Commission, Commissioner Wolf moved, seconded by Commissioner Beard to approve the request for Interim Use Permit (PL #2016-0017) for Landwehr Construction, applicant, to operate a mining facility in Section 31 of Blakeley Township, zoned A-1, Agricultural Preservation District. This action is in accordance with Chapters 2, 10, and 25 of Scott County Zoning Ordinance No. 3 based on the criteria listed for approval. The motion carried unanimously.

B. On the recommendation of the Spring Lake Town Board and the Planning Advisory Commission, Commissioner Wolf moved, seconded by Commissioner Beard to approve the request for Interim Use Permit (PL #2016-0074) for Link Excavating, Peter Link applicant, to operate a home extended business in Section 31 of Spring Lake Township, zoned UTR, Urban Transition District. This action is in accordance with Chapters 2, 8, and 33 of Scott County Zoning Ordinance No. 3 based on the criteria listed for approval. The motion carried unanimously.

C. On the recommendation of the Spring Lake Town Board and the Planning Advisory Commission, Commissioner Wolf moved, seconded by Commissioner Beard to approve the request for rezoning from RR-1, Rural Residential Reserve District, to RR-2, Rural Residential Single Family District, preliminary plat and final plat of Schumann Second Addition, James Michael applicant, consisting of 3 lots on 20.06 acres, and conservation easement in Section 23 of Spring Lake Township. This action is in accordance with Chapters 6 and 42 of Scott County Zoning Ordinance No. 3 based on the criteria listed for approval. The motion carried unanimously.

D. Commissioner Wolf moved, seconded by Commissioner Beard to approve Amendment No. 1 to the School-Linked Mental Health Services Grant from the Minnesota Department of Human Services. The motion carried unanimously.

E. Commissioner Wolf moved, seconded by Commissioner Beard to approve the receipt of funds in the amount of \$784,856 and the Grant Agreement with the Department of Human Services for the Adult Mental Health Grants effective January 1, 2017 through December 31, 2018. The motion carried unanimously.

F. Commissioner Wolf moved, seconded by Commissioner Beard to authorize execution of a Grant Agreement and receive funding in the amount of \$349,952 over the three-year period of October 1, 2016 through September 30, 2019 from the Bureau of Justice Assistance for the Adult Treatment Court Discretionary Grant Program. The motion carried unanimously.

G. Commissioner Wolf moved, seconded by Commissioner Beard to approve estimate of just compensation by a market value appraisal for new right-of-way for the construction of a roundabout at the intersection of County Highway 27 and County Highway 68 under County Project 27-19 located in Credit River Township. The motion carried unanimously.

H. Commissioner Wolf moved, seconded by Commissioner Beard to adopt Resolution No. 2016-184; Awarding a Contract to Veit & Company, Inc. for the Sand Creek Near Channel Sediment Reduction Phase 1 Project in Sand Creek Township in the Amount of \$556,637.60. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference. The motion carried unanimously.

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I. Commissioner Wolf moved, seconded by Commissioner Beard to adopt Resolution No. 2016-185; Approving an Assignment of Right-of-Way to Credit River Township for the Extension of Lucerne Trail on New Alignment Under County Project 08-12 Located in Credit River Township. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference. The motion carried unanimously.

J. Commissioner Wolf moved, seconded by Commissioner Beard to adopt Resolution No. 2016-182; Approving Entering Into a Grant Agreement With the Minnesota Department of Veterans Affairs for an Operational Improvement Grant in the amount of \$15,000. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference. The motion carried unanimously.

K. Commissioner Wolf moved, seconded by Commissioner Beard to adopt Resolution No. 2016-188; Authorizing the Third Amendment of the \$4,622,771 Educational Facilities Revenue Note, Series 2004A (Saint John the Baptist School Project) and Authorizing the Execution of Documents Relating Thereto. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference. The motion carried unanimously.

L. Commissioner Wolf moved, seconded by Commissioner Beard to adopt Resolution No. 2016-189; Amending, Replacing, and Extending the Existing Joint Powers Agreement for the Metropolitan Emergency Services Board Effective January 1, 2017. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference. The motion carried unanimously.

M. Commissioner Wolf moved, seconded by Commissioner Beard to set a public hearing date of November 15, 2016 at 10:30 a.m. to consider the 2017 final levy and budget for the Scott Watershed Management Organization. The motion carried unanimously.

N. On the recommendation of the County Administrator, Commissioner Wolf moved, seconded by Commissioner Beard to approve the payroll processing of personnel actions indicated below and certified by the Employee Relations Director and the Appointing Authority to be in compliance with provisions of Minnesota Statutes 375.56 - 375.71 and the Scott County Merit Personnel System:

1. Separation of employment for Justine Studnicka, FT Temporary Assessment Technician-Unclassified, Community Services Division, effective 11/14/16.
2. Separation of employment for Jessica Marshall, PT Temporary (50% FTE) Housing Assistant-Unclassified, Health and Human Services Division, effective 10/14/16.
3. Separation of employment for Vyrna Shear, Intermittent (34% FTE) Office Aide-Unclassified, Health and Human Services Division, effective 10/14/16.
4. FT Probationary employment for Brandon Roberts, Program Specialist, Community Services Division, effective 10/13/16.
5. FT Probationary employment for Gregory Bader, 911 Dispatcher, Sheriff's Office, effective 11/07/16.
6. PT (37% FTE) Probationary employment for Juthika Purani, Library Associate, Community Services Division, effective 11/09/16.
7. Intermittent (34% FTE) employment for Tosha Sohns, Facility Probation Officer-Unclassified, Health and Human Services Division, effective 10/26/16.
8. Intermittent (34% FTE) employment for Colin Caple, Facility Probation Officer-Unclassified, Health and Human Services Division, effective 10/26/16.

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9. Intermittent (34% FTE) employment for Laurel Prodahl, Facility Probation Officer-Unclassified, Health and Human Services Division, effective 11/01/16.
10. Intermittent (34% FTE) employment for Christine Younger, Library Associate-Unclassified, Community Services Division, effective 11/03/16.
11. Change in employment status for Jason Muelken, Intermittent (34% FTE) Part Time Deputy-Unclassified to FT Probationary Sheriff's Deputy, Sheriff's Office, effective 11/07/16.
12. The recognition of the following individuals as volunteers which will enable them to be covered for liability insurance purposes in accordance with the insurance contracts currently in force with Scott County: Additions: Reta Hauer and Katherine Olsrud.

Motion carried unanimously.

(8) Manage Challenges and Create Opportunities:

Commissioner Wolf stated it was his understanding from a previous presentation to the Board that Scott County does not use eminent domain. Commissioner Beard asked for clarification of the project and the need for eminent domain. Commissioner Wagner expressed his opinion that the term "quick term" gives a negative perception.

Deputy County Administrator/Community Services Director Lezlie Vermillion provided a brief history of the use of eminent domain by Scott County to move projects forward. Ms. Vermillion described this trail project, noting that it is a federal project and if the property is not acquired, the federal funding will be in jeopardy. Ms. Vermillion clarified this request is for strip takings and not total takings. The ongoing negotiation process was also reviewed. Ms. Vermillion added the wording of eminent domain or quick take is taken from the State Statute.

Commissioner Ulrich requested that due to the sensitivity of eminent domain, future agenda items regarding eminent domain be on the regular agenda instead of the consent agenda and that maps be provided.

In response to Commissioner Beard's question, Ms. Vermillion stated tabling action on this request for two weeks to provide more information to the Commissioners will not delay the project.

Commissioner Beard moved, seconded by Commissioner Ulrich to table the request to adopt Resolution No. 2016-183; Certifying Final Approved Appraisal of Value for Certain Land Acquisitions and Authorizing acquisition by Expedited ("Quick Take") Eminent Domain Proceedings for the construction of a Trail Along County Highway 78 and County Highway 80 Located in the City of Shakopee until November 15, 2016.

County Administrator Gary Shelton reiterated the Board has approved numerous strip takings by eminent domain on the consent agenda over the past two years. However, by the Board's direction, using eminent domain to take peoples' homes has been avoided.

The motion carried unanimously.

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(9) Emphasize Excellence in Customer Service:

Business Information/Systems Specialist Troy Pint announced that the 2016 Third Quarter Spirit of Scott Awards have been presented to Registered Nurse Paula Neisen, Case Aide Linda Eimermann, and Sheriff's Deputy Brian Cade for going above and beyond in the area of excellence in customer service.

(10) Committee Reports and Commissioner Updates:

A. Commissioners Wagner and Wolf attended the Trunk Highway 169/Trunk Highway 41/County State Aid Highway 78 proposed intersection open house on October 15.

B. Commissioner Wolf attended the Metropolitan Area Agency on Aging meeting on October 20.

C. Commissioner Wolf and Mr. Shelton met with the Elko New Market Mayor and City Administrator on October 24.

D. Commissioner Wolf attended the Prior Lake City Council meeting and workshop on October 24.

E. Commissioner Wolf attended a candidates' forum in Elko New Market on October 25.

F. Commissioners Wolf and Marschall attended the Metropolitan Mosquito Control District meeting on October 26.

G. Commissioner Wolf attended the Vermillion River Watershed Joint Powers Board meeting on October 27.

H. Commissioner Wolf attended the Elko New Market City Council meeting on October 27.

I. Commissioner Beard attended the Scott County Employee Insurance Committee meeting on October 19.

J. Commissioner Beard attended the Citizens League Transit Study Committee meeting on October 20.

K. Commissioner Beard attended the Workforce Development Board meeting on October 21.

L. Commissioner Beard attended the Metro Alliance for Healthy Families meeting on October 24.

M. Commissioners Beard and Marschall attended the Association of Minnesota Counties (AMC) District X meeting on October 24.

N. Commissioners Beard and Marschall conducted the Chair/Vice Chair planning meeting on October 25.

O. Commissioner Beard met with City of Shakopee staff on October 26.

P. Commissioner Ulrich attended the Minnesota Valley Transit Authority Management Committee meeting on October 24.

Q. Commissioner Ulrich met with Mr. Shelton on October 24.

R. Commissioner Ulrich and Mr. Shelton met with the Savage Mayor and City Administrator on October 24.

S. Commissioner Ulrich attended the 50 x 30 Steering Committee meeting on October 25.

T. Commissioner Ulrich attended the Suburban Transit Association Legislative Committee meeting on October 26.

U. Commissioner Ulrich attended the Minnesota Valley Transit Authority Board meeting on October 26.

V. Commissioner Ulrich attended the Trunk Highway 169 Mobility Study Policy Advisory Committee meeting on October 27.

W. Commissioner Marschall attended the Southern Valley Alliance for Battered Women open house on October 21.

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X. Commissioner Marschall attended the Prior Lake Lion's Club 70th anniversary celebration on October 21.

Y. Commissioner Marschall attended the 50 x 30 Education Subcommittee meeting on October 25.

Z. Commissioner Marschall attended The Henderson grand opening on October 26.

(11) County Administrator Update:

Mr. Shelton reported on the progress of the union negotiations.

On a motion by Commissioner Wolf, seconded by Commissioner Beard, the meeting adjourned at 9:40 a.m.

Barbara Marschall
Chair

Gary L. Shelton
County Administrator
Clerk of the Board

Debra K. Brazil
Deputy Clerk to the Board